

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AMY MOORE, MIA LYTELL, NATASHA :
TAGAI, EMMA HOPPER, BRITTANY :
HASSEN, and BRITTANY REYES, : **TRIAL MANAGEMENT ORDER**
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Plaintiffs, : 17-cv-6404 (BMC)
:
- against -
:
HOWARD RUBIN and JENNIFER :
POWERS, :
Defendants. :
:
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The Court adopts the following procedures to facilitate the submission of proposed jury instructions and verdict forms, as well as the admission of deposition statements, exhibits, and demonstratives.

I. Jury Instructions and Verdict Forms

If the parties wish to submit proposed jury instructions or verdict forms, they must do so by March 24, 2022 at 5:00 p.m. The Court is not particularly interested in general charges, although the parties may submit them if they wish. Any claim-specific or defense-specific charges must not marshal the evidence or even reference it; the instructions should consist purely of statements of the law.

II. Deposition Transcripts

The parties' Pretrial Order contains the maximum universe of deposition designations, counter-designations, counter-counter-designations and objections to admission of deposition testimony; none of which shall be supplemented without approval of all parties or leave of the Court, on good cause shown. One calendar day at 5:00 p.m. prior to the expected submission of

any deposition designation, the parties are required to file the relevant excerpt, cross-designation, and objection, as stated in the parties' Pretrial Order.

The following provisions shall apply to deposition testimony either party desires read or played in open Court:

- a. If a party designates deposition testimony, and the other party counterdesignates, the designations and counter-designations will be read or played in chronological order.
- b. If any party wishes to narrow the scope of any designated deposition testimony, the party shall provide notice of the revised designations to the other party by 6:00 p.m. two calendar days before the party intends to read or play them in open court. The receiving party shall provide any narrowing of its counter-designations and objections by 6:00 p.m. one calendar day before the deposition excerpt is to be read or played. The party offering the deposition testimony shall provide any narrowing of its counter counter-designations and objections by 8:00 PM the same day, and the parties shall meet and confer by 9:00 PM on the same day in an effort to resolve any outstanding objections.
- c. Any deposition testimony not specifically identified on a party's deposition designation list may still be used at trial for the purpose of impeachment.

III. Exhibits

The parties shall identify (by witness) the trial exhibits, by exhibit number, that they expect to use on direct examination by 6:00 p.m. two calendar days before the direct examination is expected to take place, and objections will be provided no later than 12:00 p.m. one calendar day before their intended use.

If good faith efforts to resolve the objections fail, the party objecting to the exhibits shall bring its objections to the Court's attention prior to the witness being called to the witness stand.

The parties do not need to provide a separate list of exhibits they intend to use for cross-examination.

IV. Demonstratives

Demonstrative exhibits need not be included in the parties' respective exhibit lists.

Plaintiff's demonstrative exhibits will be identified with PDX numbers. Defendant's demonstrative exhibits will be identified with DDX numbers. If any demonstratives are going to be used in opening statements the parties will provide images of them to each other by 6:00 p.m. two calendar days before opening statements.

A party will provide demonstrative exhibits to be used in connection with direct examination by 6:00 p.m. two calendar days before their intended use, and objections will be provided no later than 12:00 p.m. one calendar day before their intended use. The parties shall meet and confer by 7:00 p.m. one calendar day before their intended use in order to resolve any objections. If any of the demonstratives change after the deadline, the party intending to use the demonstrative will promptly notify the opposing party of the change(s). These disclosure provisions do not apply to demonstratives created during testimony or demonstratives used for cross-examination, neither of which need be provided to the other side in advance of their use.

SO ORDERED.

Digitally signed by Brian M.
Cogan



U.S.D.J.

Dated: Brooklyn, New York
March 8, 2022